

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

ADRIAN LIPSCOMB,)
Plaintiff)
vs.)
COMMISSIONER DONAL CAMPBELL,)
WARDEN BILLY MITCHEM, and DEPUTY)
COMMISSIONER ROY HIGHTOWER)
Defendants)

CASE NO. CV03-H-1044-NE

jm
ENTERED

SEP 14 2004

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 10, 2004, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections on August 31, 2004.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to summary judgment as a matter of law. Accordingly, the defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 14th day of September, 2004.

James H. Hancock
JAMES H. HANCOCK
SENIOR JUDGE

24